

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

OHIO NATIONAL LIFE ASSURANCE  
CORPORATION,  
Plaintiff

V.

TRICIA JEAN MURPHY, LYNN ANN  
POWERS, MARK ASHLEY WOOD, PENNY  
JEAN WOOD, and SANDRA LEE WOOD,  
Defendants

CIVIL ACTION NO. 04-40207FDS

**JOINT STATEMENT**

Pursuant to Local Rule 16.1, the plaintiff, Ohio National Life Assurance Corporation (“Ohio National”), and the defendants, Lynn Ann Powers, Penny Jean Wood, and Sandra Lee Wood, hereby file this joint statement.<sup>1</sup>

This is an action in interpleader in which Ohio National requests that the defendants settle among themselves their rights to the proceeds of two annuity contracts owned by the late Shirley B. Wood. The subject of this action is the death benefits, not including interest, of the two annuity contracts totaling \$89,733.12. Ohio National is a disinterested stakeholder who concedes liability and who has deposited the disputed funds with this Court.

The essence of the dispute is whether all of the children of Shirley B. Wood are entitled to a share of the death benefits from the annuity contracts, or whether a change in beneficiary form allegedly made by Shirley B. Wood shortly before her death is effective in making Sandra Lee Wood the sole beneficiary of the annuity contracts.

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<sup>1</sup> The defendants, Tricia Jean Murphy and Mark Ashley Wood, have been served with the complaint and all other filings in this action, but have yet to file an answer to the complaint.

On February 8, 2005, Ohio National filed a motion for judgment on the pleadings and for attorneys' fees. The only response to that motion has been by Sandra Wood, who has no objection to judgment entering in favor of Ohio National, but opposes an award of attorneys' fees.

Proposed Pre-Trial Schedule

Ohio National has no position on the pre-trial schedule, as it is its position that it should be dismissed from this case. The defendants who have appeared in this action propose the following pre-trial schedule:

1. Initial disclosures completed by July 1, 2005.
2. Amendments to pleadings by October 1, 2005.
3. Fact Discovery
  - a. Requests for production of documents and interrogatories must be served by July 1, 2005.
  - b. Requests for admissions must be served by July 1, 2005.
  - c. All depositions, except expert depositions, must be completed by August 1, 2005.
4. All discovery, other than expert discovery, must be completed by August 1, 2005.
5. Expert Discovery
  - a. Trial experts must be designated and the information contemplated by Rule 26(a)(2), must be disclosed by July 1, 2005.
  - b. Expert depositions must be completed by September 1, 2005.
6. Dispositive Motions
  - a. Dispositive motions must be filed by October 1, 2005.

- b. Oppositions to dispositive motions must be filed within ten (10) days after service of the motion.

Trial by Magistrate

The parties do not consent to referral to a magistrate judge.

Certification

Certifications will be filed separately by the parties.

OHIO NATIONAL LIFE ASSURANCE  
CORPORATION

PENNY WOOD and LYNN POWERS

By its attorneys,

By their attorney,

\_\_\_s/Bobby Hazelton on behalf of Joseph Hamilton/\_  
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SANDRA WOOD

By her attorney,

s/Bobby Hazelton/S\_\_\_\_\_  
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Dated: March 2, 2005